

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 108 – SB 244

January 30, 2018

SUMMARY OF ORIGINAL BILL: Prohibits abortions from the point a fetal heartbeat is detected. Requires an ultrasound to determine the presence of a fetal heartbeat. Creates exceptions for medical emergency. Requires the person determining the presence or absence of a fetal heartbeat to record the estimated gestational age of the fetus, the ultrasound method, the date and time of the test, and the results of the test in the pregnant woman's medical record and inform the pregnant woman in writing if a fetal heartbeat is detected. Allows for a civil cause of action if the pregnant woman is not notified in writing if a fetal heartbeat is detected. Authorizes damages of \$10,000 or greater, court costs and reasonable attorney's fees. Requires a physician who performs an abortion under the medical emergency exception to declare in a written statement to be placed in the woman's medical records that the procedure is necessary and the specific condition that constitutes the medical emergency.

CORRECTED FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (012266): Deletes all language after the enacting clause. Requires a physician to include a new provision in the report on the disposition of an aborted fetus that indicates whether or not a heartbeat was detected if an ultrasound was performed prior to the induced termination of a pregnancy. Requires the Department of Health (DOH) to include data about the detection of heartbeats and the method employed for induced terminations of pregnancies in its annual report of selected induced termination of pregnancy data. Requires the person to also provide the woman an opportunity to learn the results of the ultrasound and inform the woman of the presence or absence of a fetal heartbeat, if the woman elects to learn the results of such ultrasound.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the corrected fiscal note.

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Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 9-4-5116, no state funds are to be expended to perform abortions unless the pregnancy is the result of an act of rape or incest, or the woman's life is in danger unless the abortion is performed.
- The proposed legislation will not change the procedures currently in place for an abortion resulting from the woman's life being in danger. State funds expended for abortions performed in the case of an act of rape or incest will require an ultrasound which could result in additional costs associated with the ultrasound.
- Based on information provided by the Department of Finance and Administration, Division of Benefits Administration (Benefits Administration), the proposed legislation may result in an increase in ultrasounds; however, it is assumed they will meet Benefit Administration's carrier's medical necessity requirement and will not significantly impact any managed-care plans for employees of state government, local government or local education agencies.
- Based on information provided by the Bureau of TennCare (Bureau), ultrasounds are currently covered through its managed care organizations (MCOs) and the Bureau only covers medically necessary abortions; therefore, any fiscal impact is estimated to be not significant.
- The proposed legislation would add an additional reporting requirement that a physician must indicate in the report to the Commissioner of DOH whether or not a heartbeat was detected if an ultrasound was performed prior to the induced termination of pregnancy.
- The DOH can use the current required form to collect the additional information required by the proposed legislation.
- The DOH can accommodate the new annual reporting requirement within existing resources without an increased appropriation or reduced reversion.
- Any necessary rule changes by boards under the Division of Health Related Boards can be accommodated within the appropriate board's regularly-scheduled meetings at no additional cost.
- Based on information provided by the Administrative Office of the Courts, any increase in caseload to trial courts can be accommodated within existing resources without an increased appropriation or reduced reversion.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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